



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/674,311	07/01/96	OLDFADE	ARSB:589

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HM31/0603

EXAMINER	
ARTHUR L	PAPER NUMBER
	13

DATE MAILED: 1634

06/03/98

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

1. ☒ Applicant's failure to respond to the Office letter, mailed MARCH 10, 1998.
2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.
  - ☐ The issue fee was received on \_\_\_\_\_.
  - ☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17(l), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.
  - ☐ The corrected and/or substitute drawings were received on \_\_\_\_\_.
6. ☐ The reason(s) below.

*Lisa B. Arthur*

LISA B. ARTHUR  
PRIMARY EXAMINER  
GROUP 1000 1034

JUNE 2, 1998

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The amendments and the request for reconsideration have been considered but do not overcome the rejections because the claims remain broadly drawn to nucleic acids which contain but are not limited to containing a sequence of SEQ ID NO 1. The claims as amended still encompasses nucleic acids which hybridize to SEQ ID NO 1 under relatively stringent hybridization conditions. Consequently, Kamb et al, Bolander et al. and Nobori et al. still reads on the claimed nucleic acid by teaching a larger isolated nucleic acid fragment which contains the MTAP gene. The fact that the references does not identify the MTAP gene sequence on their larger nucleic acid fragment is irrelevant because the claims include the larger nucleic acids such as taught by Kamb et al. Furthermore, the fact that the references do not teach the nucleotide sequence of the MTAP gene does not distinguish the claimed nucleic acid from that of the references because the nucleotide sequence of a gene is an inherent characteristic of any piece of nucleic acid. Therefore, these rejections are maintained.

The rejections made under 35 U.S.C. 112, second paragraph, have been overcome.

The rejection made under 35 U.S.C. fourth paragraph, is withdrawn.

The rejections made under 35 U.S.C. 102(a) have been overcome by the Declaration by Dr. Olopade.

The rejection of claim 37 made under 35 U.S.C. 102(b) is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Arthur whose telephone number is (703) 308-3988. The examiner can normally be reached on Monday-Wednesday from 8:00AM to 4:30PM.

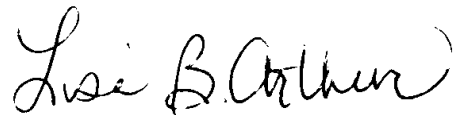
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



LISA B. ARTHUR  
PRIMARY EXAMINER  
GROUP 1800

March 9, 1998